

Town of Jefferson
Office of the Planning Board
And
Office of the Zoning Board of Adjustment

COMBINED MEETING

Minutes

July 10, 2018

Zoning Board of Adjustment Members present: Chairman Kim Perry; Tom Walker, Biff Wyman, Jason Call, Rodney Houghton, alternate

Absent: Cricket Ingerson

Planning Board Members present: Chairman Donna Laurent; Gil Finch, Jeff Young, Jason Call, alternate; Gordon Rebello

Absent: Kevin Meehan, Selectmen's representative; Michael Meehan

Others present: Charlene Wheeler, Board secretary, Frederick Lovejoy, Gregory Eaton, Vernon Matson, Glenn Colburn, Mark Labore, Jody Hodgson, Gardner Kellogg

In the absence of a regular Board member, Jason Call was designated a voting member of the Planning Board and Rodney Houghton was designated a voting member for the Board of Adjustment for this meeting.

Hearings– Lovejoy, Colburn, & Labore

An application had been received from Gardner Kellogg representing Frederick Lovejoy, Glen and Cindy Colburn and Mark and Denise Labore for a proposal to adjust boundary lines. These properties are located on Belle Hunt Road, Tax Map 9, Lots 37 and on Ingerson Road, Tax Map 9, Lots 38, 39, & 40. Lot 37 of 1.66 acres would now have 1.07 acres. Lot 38 of 1.94 acres would now have 1.64 acres. Lot 39 of 2.21 acres would now have 1.85 acres. Lot 40 of 2.13 acres would now have 1.73 acres.

This application was submitted pursuant to a court stipulated judgement agreed to by all parties. (Attached to these minutes is a statement of history of the properties in question submitted with the application.)

Because of surveying errors made many years ago when the original subdivision was drawn, there was disagreement among lot owners as to where the actual boundaries should be drawn. In superior court the three owners agreed to the new boundary lines shown on the plat presented to the Planning Board in this boundary line application seeking the Board's approval. However, the agreement makes two of the non-conforming lots (under two acres) even smaller and two presently conforming lots (over two acres) into now non-conforming lots (under two acres). Two of the four lots already contain residences and smaller out buildings. Lots do not have 200 feet of road frontage.

The Planning Board determined the applicants needed variances from the Zoning Board of Appeals in order for them to proceed. If this is the case, a joint hearing with both boards could be scheduled to save time and some of the fees. The Board secretary had also contacted Gardner Kellogg to update him on the Board's concerns and Mr. Kellogg said the hearing on the application originally scheduled for June 12 could be postponed. Planning Board members agreed the applicants needed to seek variances from the Board of Adjustment. Could making as a condition of approval the merging of the smallest lot to a larger abutting lot with the same owner be possible? Joint hearings on the pending application then were scheduled for July 10.

Chairman Perry of the Zoning Board of Adjustment (BOA) opened the public hearing to address the application for variances needed to allow for under 2 acres in a lot and less than 200 feet of road frontage. The Board secretary read the application and reported she had received no questions or comments from those who had been noticed. The chairman then called for questions or comments from those attending the hearing. Gordon Rebello said the application should be approved. This corrects errors made in the past before the current owners acquired the properties. The properties are already nonconforming as it is. Jeff Young agreed. Jason Call said he would like to hear from the applicants before considering the points needed to be met before granting such variances. Mr. Lovejoy's attorney Gregory Eaton said the current situation of errors in where the exact boundaries of the lots are located is not fault of the current owners. If this agreement hadn't been reached, the court may have determined where the boundaries should lay. Which well might result in lot lines being placed very near existing structures and also create a small landlocked lot. A small diagram (attached to these minutes) was submitted to the BOA to illustrate what this result would look like. There was a question about Mr. Colburn's well which would now be located on Mr. Lovejoy's lot. Are there regulations about the proximity of a well to a lot line? Mr. Gardner said a well had to be 75 feet from any septic system. He was not aware of any lot line restrictions. Mr. Colburn's attorney said there will be standard language in the deed to guaranty rights of access to the well. Jason Call emphasized that Mr. Lovejoy's one acre lot would be unbuildable, because of its size and the presents of wetlands. Mr. Lovejoy has said he may merge lots in the future to overcome the problem but is not sure of what his specific plans are at this time. It was confirmed Belle Hunt Road is still a private road. There being no other questions or comments, Chairman Perry closed the public portion of the hearing.

Deliberations on the application began.

- (1) The proposed use would not diminish surrounding property values. The boundary line adjustment adjusts already nonconforming lots and reduces the value of Lot 37 because it becomes essentially unbuildable upon. However, this agreement resolves litigation from a longstanding issue resulting from the land shortfall in the homemade Sperry survey of 1969, drawn well before the current

Land Use Ordinance was enacted. Having a clear title would have a positive impact on the value of the remaining lots.

- (2) Granting the variance will not harm the public interest because no new lots are created, there is a public interest in owners having clear title and having this long standing issue resolved.
- (3) Denial of the variance would result in unnecessary hardship. There is a 144 feet shortfall of property resulting in a situation where there is simply not enough land to correspond to the lots in the original Sperry subdivision plan. The current owners are in this situation through no fault of their own. Granting the variances would resolved the issue so the boundary line adjustment can take place.
- (4) Substantial justice would be done. References were made to points numbered 1-3 above.
- (5) The use of these properties is not contrary to the spirit of the ordinance. Granting the variances would not change the character of the neighborhood., no objections were expressed by abutters, and this proposal is probably the best solution to solve the issue.

Biff Wyman made the motion to grant the requested variances without conditions, seconded by Tom Walker. The vote to accept the motion was unanimous.

The meeting was then turned over to Chairman Donna Laurent of the Planning Board whose members were present for the BOA hearing and decision. She opened the public portion of the hearing. The Board secretary reported there had been no question of comments received from those noticed. There being no other questions or comments from those attending the hearing, Chairman Laurent closed the public portion of the hearing. Gordon Rebello made the motion to approve the boundary line adjustment, seconded by Jeff Young. The vote to accept the motion was unanimous. The plats were signed by Chairman Laurent. However, Mr. Gardner did not have the mylar copy of the plat with him. He will bring it to the town office for Chairman Laurent to stamp and sign so that it can be filed at the Coos Registry of Deeds. Except for the members of the Planning Board, all others thanked the Board and left the meeting. The Planning Board continued with its regular meeting.

Minutes

Jeff Young made the motion to approve as read the minutes of the June 12, 2018 meeting, seconded by Gordon Rebello. The vote to accept the motion was unanimous.

Financial Report

Jeff Young made the motion to accept the financial report, seconded by Jason Call. The vote to accept the motion was unanimous.

Communications

Copies of building permits were circulated.

Copies of Selectmen's minutes were circulated.

Unfinished Business

Chairman Laurent reported the North Country Council's transportation committee's met on June 26 to discuss candidates for Critical Rural Freight Corridor designation in the North Country. She said Hazen Road in Jefferson merging into Airport Road in Whitefield will be one of the roads recommended to the NH Department of Transportation for such a designation. A map showing the Hazen Road and the other routes also recommended was circulated to Board members.

Jeff Young made a motion to adjourn the meeting, seconded by Gordon Rebello. The meeting was adjourned at 8:20 p.m.

Charlene Wheeler
Secretary to the Board